

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

NICHOLS FAMILY INVESTMENTS, LLC,)	
Plaintiff,)	
)	
v.)	Civil Action No.: 5:05CV249-V
)	
KEVIN HACKENBERG, et al.,)	
Defendants.)	
_____)	

**AMENDED DEFAULT JUDGMENT
INCLUDING DALE HILL**

This matter is before the Court on Plaintiff's Motion for Default Judgment Against Dale Hill. Plaintiff seeks to hold Dale Hill jointly and severally liable with Defendants Kevin Hackenberg, Calvin Bird, Harold Crumb, Carlos Gonzales, Hackenberg Enterprises, LLC, and Hackenberg Enterprises, Inc., on the judgment granted against those defendants on July 18, 2006.¹

It appears to the Court that the summons together with a copy of the complaint were served upon Hill on October 11, 2005. Hill filed a Motion to Dismiss for Lack of Personal Jurisdiction on November 9, 2005, which motion was denied by the Court on June 1, 2006. It further appears to the Court that no answer or other pleading has been filed and the time prescribed for such filing has expired, and that good cause exists to grant the motion. It further finds the facts are as alleged in the Complaint and concludes as a matter of law that these facts justify the relief provided herein;

¹ The Court originally declined to enter default judgment against Dale Hill. (Document #71) On March 31, 2009, the Court granted Plaintiff's Motion for Reconsideration of Order on Motion for Default Judgment Against Dale Hill. (Document #79)

IT IS THEREFORE ORDERED as follows:

- (1) Default shall be and is hereby entered against Defendant Dale Hill.
- (2) Default Judgment is granted in favor of Plaintiff Nichols Family Investments, LLC, against Defendant Dale Hill jointly and severally with Defendants Kevin Hackenberg, Calvin Bird, Harold Crumb, Carlos Gonzales, Hackenberg Enterprises, LLC, and Hackenberg Enterprises, Inc., on the judgment granted against those defendants on July 18, 2006, for fraud, conspiracy, conversion, and conspiracy in the amount of \$2,450,110.
- (3) Default Judgment is granted in favor of Plaintiff Nichols Family Investments, LLC, against Defendant Dale Hill jointly and severally with Defendants Kevin Hackenberg, Calvin Bird, Harold Crumb, Carlos Gonzales, Hackenberg Enterprises, LLC, and Hackenberg Enterprises, Inc., on the judgment granted against those defendants on July 18, 2006, for violation of the North Carolina Loan Broker Act, the North Carolina Unfair and Deceptive Trade Practices Act, and the Racketeer Influenced and Corrupt Organizations Act. Treble damages in the amount of \$7,350,330 are granted as set forth by N.C. Gen. Stat. §§ 66-106 et seq., 66-111(d), 75-1.1, 75-16, and 18 U.S.C. §§ 1341, 1343, 1961(1)(B),(4) and (5), 1962 (a)-(c), and 1964(c).
- (4) All remaining claims against Dale Hill are dismissed without prejudice as the Court is not relying on these claims for this Default Judgment.
- (5) This judgment is (a) for money or an extension of credit obtained by false pretenses, false representations, and actual fraud not related to Hill's financial condition, (b) for

fraud while acting in a fiduciary capacity, and (c) for willful and malicious injury by Hill to the plaintiff.

- (6) Because this Order disposes of all claims against the only remaining party, it is a final judgment.

Signed: April 16, 2009

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive style with a horizontal line underneath.

Richard L. Voorhees
United States District Judge

